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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 31, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

ROBERT E. LEE JONES JR.

v.

CASE NO. PUC990157

MCI WORLDCOM NETWORK SERVICES
OF VIRGINIA, INC.

and

MCI WORLDCOM COMMUNICATIONS
OF VIRGINIA, INC.

COMMONWEALTH OF VIRGINIA, ex rel.

JEFFREY BARNES

v.

CASE NO. PUC990246

MCI WORLDCOM NETWORK SERVICES
OF VIRGINIA, INC.

and

MCI WORLDCOM COMMUNICATIONS
OF VIRGINIA, INC.

ORDER

By Order entered December 28, 2000, the State Corporation Commission ("Commission") reserved on its docket the date of February 14, 2001, for the purpose of receiving evidence in this matter relevant to the issues identified in our Order of September 26, 2000. We also directed the parties to offer, by January 16, 2001, recommendations for how the Commission should proceed in view of the federal complaint brought by Robert E.

Lee Jones Jr. ("Jones") against the Commission and certain parties to this proceeding.

No party identified any basis for delaying or postponing the Commission's consideration of this matter as a result of the action initiated by Jones in federal court. MCI WORLDCOM Network Services of Virginia, Inc., and MCI WORLDCOM Communications of Virginia, Inc. (collectively, "MCIW"), renewed their earlier motion to dismiss on jurisdictional grounds. Similarly, the Department of Corrections ("DOC") urged the Commission to reconsider our earlier decision not to dismiss these complaints should we determine that our ability to adjudicate this matter has been compromised as a result of Jones's federal actions.

On January 17, 2001, Jones filed a "Recommendation for Further Proceedings and Motions." In this filing, Jones contends the questions identified in the Commission's September 26 Order are "moot," citing certain legal theories. Jones goes on to request summary judgment on his complaint and requests other specified forms of relief.

MCIW filed on January 22, 2001, a response to Jones's filing and moved for, among things, briefs on motions for summary judgment (or other closing briefs) without a hearing after admitting into the record the pre-filed testimony.

Jones filed on January 26, 2001, an objection to MCIW's response and motions. Notwithstanding his motion for summary judgment, Jones objects to any pre-filed testimony being made a part of the record without a full hearing. He states his motion for summary judgment is made "on the record as it exists prior to the entry of any pre-filed testimony."

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the hearing reserved for February 14, 2001, should be convened as scheduled. We decline the invitation by MCIW to dismiss these complaints on jurisdictional grounds for the same reasons we articulated in our September 26 Order.¹ While it is possible the hearing will reveal that no material facts are in dispute among the parties, such is not clearly apparent from the parties' pleadings, and we therefore believe this matter warrants an evidentiary hearing to properly adjudicate the relevant legal and factual issues. By separate order and writ, we will provide for Jones to appear at the February 14 hearing.²

¹ MCIW also request that Barnes's complaint be dismissed on the grounds that he no longer has standing and has failed to pursue his complaint. We are aware that Barnes has not remained active in these proceedings, and we will consider dismissing him as a party to these proceedings.

² The Clerk has been directed to re-issue a subpoena a testificandum for Mr. Craig M. Burns for February 14, 2001. Jones effectively withdrew on January 11, 2001, all other previously requested subpoenas.

Accordingly, IT IS ORDERED THAT:

(1) The hearing reserved for February 14, 2001, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, for the purpose of receiving evidence relevant to the issues identified in our Order of September 26, 2000, shall be convened as scheduled.

(2) To the extent they are inconsistent with this Order, the motions filed by Jones on January 17, 2001, and by MCIW on January 22, 2001, are denied.